

**UNITED STATES DISTRICT COURT**  
**District of Minnesota**

Michael Tate, Joseph Shuster, Lyle Evanson  
 and John Ayers, individually and on behalf  
 of all other individuals similarly situated

**JUDGMENT IN A CIVIL CASE**

V.

Case Number: 09-cv-2076 (MJD/JJG)

Restaurant Technologies, Inc., Parthenon  
 Capital LLC, Jeffrey R. Kiesel, John C.  
 Rutherford, Jonathan O. Grad, Zachary F.  
 Sadek, Philip A. Clough, and Robert E.  
 Weil

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED THAT:

1. The Trust's Motion Requesting Court to Find Claims Were Timely as a Result of "Excusable Neglect" and Allowing Participation in Settlement Fund Distribution of Class Member W. Hall Wendel, Jr. Revocable Trust (Doc. No. 175) is GRANTED.
2. The Trust shall be allowed to participate in the distribution of settlement funds and receive its proportionate share of the settlement proceeds in the above-captioned action, and the Claims Administrator and Class Representatives shall ensure immediate distribution of the same.

August 12, 2011

Date

RICHARD D. SLETTEN, CLERK

s/L. Brennan

(By)

L. Brennan, Deputy Clerk